

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE JANUARY 13, 2006

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 403

Introduced by Senator Machado

February 17, 2005

An act to add Article 3.5 (commencing with Section 8670.24.1) to Chapter 7.4 of Division 1 of Title 2 of the Government Code, relating to harbors and navigation.

LEGISLATIVE COUNSEL'S DIGEST

SB 403, as amended, Machado. Chemical Tanker Task Force.

Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, establishes the Office of Oil Spill Prevention and Response, which is responsible for the prevention of and response to oil spills in the waters of the state.

The bill would require the administrator to seek funding for the task force's activities from the federal Department of Homeland Security or other funding sources that are not providing funds to the office as of January 1, 2007. This bill would require the administrator of the office to convene, within 6 months of receiving funds from funding sources that are not providing funds to the office as of January 1, 2007, the Chemical Tanker Task Force, which the bill would create, to gather information and make recommendations regarding chemical tankers carrying hazardous materials that enter, leave, or navigate the

waters of the state. The bill would require the administrator to submit, within 18 months of convening of the task force, to the Legislature a report on chemical tankers with information, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section
2 8670.24.1) is added to Chapter 7.4 of Division 1 of Title 2 of the
3 Government Code, to read:

4
5 Article 3.5. Chemical Tanker Task Force

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7 8670.24.1. The Legislature finds and declares all of the
8 following:

9 (a) Currently, tanker ships carrying hazardous materials, such
10 as poisonous gas, flammable liquids, radioactive materials,
11 explosives, and other dangerous chemicals, are not regulated by
12 the Office of Oil Spill Prevention and Response.

13 (b) According to the San Francisco Marine Exchange, the
14 number of chemical tankers entering San Francisco Bay has
15 nearly tripled to 171 in 2003.

16 (c) Over the past nine years, U.S. Coast Guard statistics
17 indicate that there have been at least 23 incidents involving
18 chemical tankers in the San Francisco Bay.

19 (d) Enhancement of security strategies that take into account
20 the efficient movement of goods while safeguarding the state
21 requires a coordinated approach.

22 (e) Currently there is no state agency monitoring the
23 movement of hazardous materials via waters of the state.

24 8670.24.2. Unless the context otherwise requires, for the
25 purposes of this article, the following terms have the following
26 meanings:

27 (a) “Chemical tanker” means a vessel carrying hazardous
28 materials, excluding a “large passenger vessel” or “vessel” as
29 defined pursuant to subdivision (f) of Section 72410 of the Public
30 Resources Code.

31 (b) “Hazardous materials” has the meaning set forth in
32 subdivision (o) of Section 25501 of the Health and Safety Code.

1 (c) “Specific hazardous materials” means hazardous materials
2 determined by the task force to pose a significant risk to public
3 health and safety, and the environment if released from a vessel
4 based upon their hazardous classification or quantity, or both.

5 (d) “Waters of the state” means “coastal waters” as that term is
6 defined in paragraph (1) of subdivision (a) of Section 13181 of
7 the Water Code.

8 8670.24.3. The Chemical Tanker Task Force is hereby
9 created in state government to gather information and to make
10 recommendations regarding chemical tankers entering, leaving,
11 or navigating in the waters of the state that are carrying
12 hazardous materials in a sufficient quantity that a release from
13 the chemical tanker into the environment would pose a risk to
14 public health and safety or the environment.

15 8670.24.4. (a) Within six months of the receipt of funds
16 pursuant to subdivision (b) of Section 8670.24.8, the
17 administrator shall convene the task force, which shall consist of
18 representatives from the Office of Oil Spill Prevention and
19 Response Technical Advisory Committee, a harbor safety
20 committee, the State Lands Commission, the Department of
21 Toxic Substances Control, the Office of Emergency-Response
22 Services, the Office of Homeland Security, and any other state
23 agency that the administrator determines to be appropriate.

24 (b) The administrator shall request the U.S. Coast Guard to
25 participate as a member of the task force.

26 8670.24.5. The task force shall do both of the following:

27 (a) Consult with or invite the participation of other relevant
28 federal, state and local agencies, as well as nonprofit agencies
29 and industry.

30 (b) Establish a process for receiving comments from the public
31 on matters to be considered by the task force.

32 8670.24.6. Meetings and deliberations of the task force shall
33 comply with the Bagley-Keene Open Meeting Act (Article 9
34 commencing with Section 11120) of Chapter 1 of Part 1 of
35 Division 3).

36 8670.24.7. Notwithstanding Section 7550.5 of the
37 Government Code, within 18 months of the convening of the task
38 force pursuant to subdivision (a) of Section 8670.24.4, the
39 administrator shall submit to the Legislature a report on chemical
40 tankers, the labeling, handling, stowage, and carriage of

1 hazardous materials by vessels, based on information gathered by
2 the task force, that includes all of the following:

3 (a) A summary of all federal, state, local, and international
4 statutes and regulations related to chemical tankers; reporting
5 procedures for chemical tanker spills and accidents; chemical
6 tanker spill and accident prevention and response plans; and
7 plans to safeguard chemical tankers in state waters, harbors, and
8 ports from terrorist attacks.

9 (b) A listing of chemical tankers or chemical tanker types
10 carrying sufficient quantities of specific hazardous materials such
11 that a release from those vessels into the environment would pose
12 a significant risk to public health and safety, and the
13 environment. These vessels will be identified as high risk vessels.

14 (c) An inventory of the types of high risk vessels, the number
15 and names of high risk vessels in the waters of the state, the
16 movement of high risk vessels, the size and cargo capacity for
17 specific hazardous materials of high risk vessels, and their hull
18 design.

19 (d) The volumes of hazardous materials transported by high
20 risk vessels, purposes of the transportation, and the ports of
21 destination and departure of the hazardous materials.

22 (e) A summary of marine casualties, collisions, accidents, near
23 misses, and potential risks of collision or accident in the waters
24 of the state involving high risk vessels. The summary shall
25 include both of the following:

26 (1) A review of at least 10 years worth of full incident and
27 marine casualty reports.

28 (2) A summary of existing and projected increases in vessel
29 traffic of all types in the waters of the state and how this may
30 impact the potential risk of collisions or accidents involving high
31 risk vessels.

32 (f) An analysis of the benefits and costs, including analysis of
33 purpose, feasibility, and other risks, of requiring the use of tug
34 escorts for high risk vessels in the waters of the state.

35 (g) Any other information or recommendations from the task
36 force relevant to the prevention of and response to spills and
37 accidents involving high risk vessels.

38 8670.24.8. (a) The administrator shall seek funding for
39 activities of the task force from the federal Department of
40 Homeland Security or other funding sources that are not

- 1 providing funds to the Office of Oil Spill Prevention and
- 2 Response as of January 1, 2007.
- 3 (b) The administrator shall not convene the task force unless
- 4 he or she receives funds pursuant to subdivision (a).

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